



ELIZABETH ROZON BAKSH
Partner
(212) 415-9204
baksh.elizabeth@dorsey.com

May 31, 2019

VIA ELECTRONIC FILING

Hon. Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Sharpe v. A&W Concentrate Company, et al.*,
No. 1:19-cv-00768

Dear Judge Cogan:

Defendants A&W Concentrate Company and Keurig Dr Pepper Inc. ("Defendants") agree to Your Honor's suggestion of a 60-day period for expert discovery on the sole issue of whether the products at issue (A&W Root Beer and A&W Cream Soda) do or do not contain vanilla extract, followed by a trial on that single issue. Defendants agree to waive the one-way intervention rule to allow for this procedure. If the jury finds that the products do, in fact, contain vanilla extract, we understand that judgment would be entered in favor of Defendants. If, on the other hand, you or a jury were to find that the products do not contain vanilla extract, the matter would proceed to a motion to dismiss on grounds other than the presence of vanilla extract and, if necessary to issues such as damages or the absence thereof, class certification, etc.

Counsel for Defendants has spoken with counsel for plaintiff Sharpe. Plaintiff Sharpe agrees with this approach. The parties jointly suggest August 1 as the deadline for serving expert reports on the issue described above and that depositions of the experts take place between August 2 and September 3.

Respectfully submitted,

/s/ Elizabeth Rozon Baksh

Elizabeth Rozon Baksh
Counsel for Defendants

EB:crm